

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

May 24, 2002

DIVISION ONE

B150347 People (Not for Publication)
v.
Hsu et al.

The judgment is affirmed.

Rico, J. (Assigned)

We concur: Vogel (Miriam A.), Acting P.J.
Mallano, J.

B148350 People (Not for Publication)
v.
Denell Caver

The judgment is affirmed.

Mallano, J.

We concur: Spencer, P.J.
Ortega, J.

B148329 People (Not for Publication)
v.
Hernandez

The judgment is affirmed.

Mallano, J.

We concur: Spencer, P.J.
Ortega, J.

DIVISION ONE (Continued)

B147729 People
 v.
 Salazar

The Court having received supplemental brief by the appellant, it is hereby ordered that the opinion filed February 4, 2002 is vacated.

DIVISION TWO

B147026 RCSH Development Company (Not for Publication)
 v.
 Fairbanks Air Conditioning and Heating, Inc.

The judgment is affirmed. Costs on appeal are awarded to respondents.

Doi Todd, J.

We concur: Boren, P.J.
 Nott, J.

B146910 World Oil Corp. (Not for Publication)
 v.
 Trang, et al.

We conclude the trial court erred in finding as a matter of law that the Trangs were not obligated under the Agreement to pay the Trust Fund Fees. Trust fund fees must be paid by the Lessee pursuant to Section 5.2 of the Agreement. We find the trial court erred in submitting to the jury the question of the amount of rent due during the period the underground storage tank was shut down. Section 3.2 "Rent Waiver" of the Agreement governed rent payments, and pursuant to that section World Oil must reimburse the Trangs for any rent and late fees paid during the subject period. The judgment is reversed. Each side shall bear their own costs and attorney fees on appeal.

Doi Todd, J.

We concur: Boren, P.J.
 Ashmann-Gerst, J.

DIVISION TWO (Continued)

B151261 Peter Anderson, as Trustee in Bankruptcy, etc. (Not for Publication)
v.
Afshar, et al.

The judgment of dismissal is reversed and the trial court is directed to enter an order overruling the demurrer to the third amended complaint.

Doi Todd, J.

We concur: Boren, P.J.
Ashmann-Gerst, J.

[illegible]

The judgment is modified to reflect that the 11-year sentence on count 1, attempted voluntary manslaughter, is stayed. In all other respects the judgment is affirmed.

Doi Todd, J.

We concur: Boren, P.J.
Ashmann-Gerst, J.

B153910 People (Not for Publication)
v.
Wallick

The judgment is affirmed.

Doi Todd, J.

We concur: Boren, P.J.
 Ashmann-Gerst, J.

DIVISION TWO (Continued)

B152071 People (Not for Publication)
v.
Campbell

The judgment is affirmed.

Doi Todd, J.

We concur: Nott, Acting P.J. (Opinion)
Ashmann-Gerst, J.

B149913 People (Not for Publication)
v.
Medina

The judgment is affirmed.

Doi Todd, J.

We concur: Boren, P.J.
 Nott, J.

DIVISION THREE

B152429 People (Not for Publication)
v.
Ochoa

The judgment is affirmed.

Croskey, J.

We concur: Klein, P.J.
Kitching, J.

DIVISION FOUR

B152029 People (Not for Publication)
v.
Pearson

For the foregoing reasons, the judgment is affirmed.

Hastings, J.

We concur: Epstein, Acting P.J.
Curry, J.

DIVISION SEVEN

B146794 People (Not for Publication)
v.
Garcia

Filed order recalling remittitur, vacating March 19, 2002 filing of opinion, and refileing same opinion as of May 24, 2002.

DIVISION EIGHT

B146437 Meghann Giardino, A Minor, etc., et al. (Certified for Publication)
v.
Bart Brown

The judgment is reversed. Respondent is to bear costs on appeal.

Cooper, P.J.

We concur: Rubin, J.
Boland, J.

DIVISION EIGHT (Continued)

B150408 Barry Richmond (Not for Publication)
 v.
 California Department of Health Services

The judgment is reversed, and the superior court is directed to enter judgment granting a peremptory writ of mandate, remanding the case to DHS and requiring it to set aside its decision and render a further hearing and decision on appellant's entitlement to proceed with his administrative appeal, in conformity with this decision. Appellant shall recover costs on appeal.

Cooper, P.J.

We concur: Rubin, J.
 Boland, J.

B150825 Laura Longoria (Not for Publication)
 v.
 Susan Opremcak

The order is affirmed.

Cooper, P.J.

We concur: Rubin, J.
 Boland, J.

B141282 Arlock (Not for Publication)
 v.
 Ameritech et al.

The judgment as amended is affirmed. Canon to recover costs on appeal.

Cooper, P.J.

We concur: Rubin, J.
 Boland, J.

DIVISION EIGHT (Continued)

B146935 Smith, as Successor Trustee, etc. (Not for Publication)
 v.
 Taylor et al.

The judgment is reversed and the case is remanded for a new trial.
Appellants are awarded costs on appeal.

Cooper, P.J.

We concur: Rubin, J.
 Boland, J.

B143246 Gordon Automotive Group, Inc. et al. (Not for Publication)
 v.
 Worldwide Environmental Products, Inc.

The judgment is affirmed in part and reversed in part. Quality and Elmore
are entitled to recover costs on appeal.

Cooper, P.J.

We concur: Rubin, J.
 Boland, J.

B147544 People (Not for Publication)
 v.
 Solomon

The judgment is modified to reflect the imposition of the Penal Code
section 1202.45 a parole restitution fine in the sum of \$1,000. Upon
issuance of the remittitur, the superior court clerk is directed to issue
amended an abstract of judgment which correctly reflects the restitution
fine and forward it to the Department of Corrections. The judgment is
affirmed in all other respects.

Cooper, P.J.

We concur: Rubin, J.
 Boland, J.

DIVISION EIGHT (Continued)

B149884 Clarke (Not for Publication)
v.
Witkin & Eisenger et al.

The judgment is affirmed. Respondents to recover costs on appeal.

Cooper, P.J.

We concur: Rubin, J.
Boland, J.